

# EXHIBIT MM

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

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EQUAL EMPLOYMENT OPPORTUNITY : CASE NO.  
COMMISSION, :  
Plaintiff, : WDQ-02-CV-648  
AND :  
KATHY C. KOCH, :  
Plaintiff-Intervenor, :  
VS. :  
LA WEIGHT LOSS, :  
Defendant. :  
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Videotaped deposition of MARCI B.  
GOLDSHLACK, held at the offices of the  
Equal Employment Opportunity Commission,  
Bourse Building, Suite 400, 111 South  
Independence Mall East, Philadelphia,  
Pennsylvania, on Tuesday, August 26,  
2003, beginning at 1:11 p.m., before  
Debra J. Weaver, a Federally Approved  
Registered Professional Reporter,  
Certified Realtime Reporter and Certified  
Shorthand Reporter.

ESQUIRE DEPOSITION SERVICES  
1880 John F. Kennedy Boulevard  
15th Floor  
Philadelphia, PA 19103  
(215) 988-9191

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<p>1 Social Security number, please.  2 A. 159-48-3092.  3 Q. Okay. And your date of  4 birth?  5 A. 6/14/57.  6 Q. Okay. Do you reside at any  7 address other than the home address you  8 stated for any part of the year?  9 A. No.  10 Q. Okay. You previously worked  11 for LA Weight Loss?  12 A. Yes.  13 Q. Okay. Where did you work  14 for LA Weight Loss?  15 A. I worked primarily in the  16 corporate headquarters in Horsham.  17 Q. Horsham, Pennsylvania?  18 A. Yes.  19 Q. Okay. Do you recall when  20 you started work at LA Weight Loss?  21 A. Yes. October 1998.  22 Q. Okay. And do you recall  23 when your employment ended at LA Weight  24 Loss?</p>	<p>1 probably then ultimately hired me.  2 Q. Okay. What was her position  3 at the time?  4 A. I think director of training  5 is the title.  6 Q. You mentioned your title of  7 corporate trainer. Can you tell me what  8 duties that entailed.  9 A. Yes. I was responsible  10 for -- I was the corporate trainer for  11 that region and I was responsible for  12 training all employees, new employees,  13 based on the LA Weight Loss standards and  14 procedures that were written, as well as  15 doing follow-up trainings, along with the  16 regional managers in all of the centers,  17 the corporate centers, in that particular  18 region.  19 Q. Okay. You mentioned that  20 you had the responsibilities you just  21 talked about with respect to that region.  22 What region were you referring to?  23 A. The Philadelphia region.  24 Q. Okay. Do you recall what</p>
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<p>1 A. Yes. October 1999.  2 Q. So about one year?  3 A. Exactly one year actually.  4 Q. Okay. What was your  5 position at LA Weight Loss?  6 A. I was a corporate trainer.  7 Q. During your employment at LA  8 Weight Loss, did you hold any other  9 positions other than that?  10 A. No.  11 Q. Okay. Do you recall who  12 hired you?  13 A. Yes. Eileen Stankunas.  14 Q. What was her position at the  15 time?  16 A. General manager.  17 I was interviewed by two  18 people. I don't know if you need to know  19 that.  20 Q. Well, you can go ahead and  21 tell me.  22 A. Okay. I was also  23 interviewed by Kristi O'Brien, I believe,  24 who did the second interview for me and</p>	<p>1 the geographic contours of that region  2 was?  3 A. It was primarily Montgomery  4 County, Northeast Philadelphia, Delaware  5 County, Chester County. It was probably  6 about 20 centers in all by the time I  7 ended up -- by the end of that year, 18  8 to 20 centers.  9 Q. Okay. And during your  10 employment, who -- did you have more than  11 one direct supervisor or was it just one?  12 A. Well, my immediate  13 supervisor was my director. I was  14 directly responsible to my director,  15 which was Kristi O'Brien.  16 Q. Okay.  17 A. However, I was also  18 responsible to the regional and -- the  19 area regional and general managers as  20 well.  21 Q. Okay. Who are the area  22 managers? Do you recall?  23 A. I can recall some of them,  24 but I don't know if I could accurately</p>

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1 A. Can I give a little back  
2 history to answer that question or do you  
3 want me just to answer the question?

4 Q. No. Please. Go ahead and  
5 answer.

6 A. I worked for Eileen  
7 Stankunas in another weight loss center  
8 prior to me coming to LA Weight Loss, so  
9 I've known Eileen for almost 20 years.  
10 And so the behavior was consistent. So  
11 it wasn't just with when I worked at  
12 Nutri/System but also at LA Weight Loss,  
13 where it was a constant message, very  
14 clear message, that men should not be  
15 hired, they're not successful, they don't  
16 belong in the weight loss industry  
17 because it's a women's industry. And  
18 that message was also carried through  
19 when I was part of these meetings at LA  
20 Weight Loss. There were a few men that I  
21 had interviewed, one or two that actually  
22 got hired, where I was told, as well as  
23 whoever made the final decision was told,  
24 that they would be -- they were led to

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1 believe that they would be hired and move  
2 into management positions but behind  
3 closed doors were told that would just  
4 never happen.

5 Q. Okay. So I want to get a --  
6 make sure I have a clear understanding  
7 here. So there were times when Eileen  
8 Stankunas specifically told you men  
9 should not be hired at the company?

10 A. Correct.

11 Q. That they did not work out?

12 A. Correct.

13 Q. Okay. Do you recall in your  
14 year of employment how many times Ms.  
15 Stankunas would have said that to you?

16 A. I couldn't really say. I  
17 would say every time we were discussing  
18 hiring in our team meetings. Maybe a  
19 half a dozen times, six or seven times.

20 Q. Okay. Okay. Do you recall  
21 who was present during comments that she  
22 made like that?

23 A. Yes. Lesia was often  
24 present. Sometimes it would just be the

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1 two of us. But in a meeting it was  
2 always Lesia and the area managers. And,  
3 again, I remember Gina and Nina. The  
4 other names -- I can picture faces. I  
5 can't remember the names.

6 Q. During these meetings when  
7 Ms. Stankunas would make these  
8 statements, did anyone disagree with her  
9 or object or say that's wrong?

10 A. Well, I did, and I did that  
11 personally. I also had a personal  
12 relationship with her, so it was always a  
13 battle between the two of us.

14 Q. Okay. Do you recall what  
15 specifically you said regarding her  
16 statements about that?

17 A. Other than you're out of  
18 your mind, you better watch out because  
19 one day it's going to come and bite you  
20 in the butt. Yeah, we had conversations  
21 like that frequently.

22 Q. And when you said it's going  
23 to bite her in the butt, were you talking  
24 about legal ramifications?

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1 A. Yes.

2 Q. Okay. So at the time you  
3 were aware that making hiring decisions  
4 on the basis of sex is illegal?

5 A. I have an extensive  
6 background in HR, so I'm fully aware of  
7 the ramifications.

8 Q. Okay. Now, with respect to  
9 Lesia Petrizio, can you tell me the kinds  
10 of statements she made about hiring or  
11 not hiring men?

12 A. She would make similar  
13 statements, a little bit more derogatory  
14 and more sarcastic.

15 Q. Can you give us some  
16 examples?

17 A. Not specific words, no.

18 Q. When you say derogatory, do  
19 you mean derogatory about men?

20 A. About men in regards to them  
21 being able to help women, being  
22 insensitive to women's issues.

23 Q. Can you give me an estimate  
24 of how many times Ms. Petrizio may have